

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

74TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 28, 2002

10:00 O'CLOCK A.M.

No. 74  
[Feb. 28, 2002]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Reverend Margaret Grove, First United Methodist Church,  
 Springfield, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 27, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on survey results of Agencies' needs for employees with bilingual capabilities submitted by the Department of Central Management Services as required by the Personnel Code, 20ILCS 415/9(6).

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred Senate Bills numbered 2198, 2249 and 2250 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred Senate Bill No. 1975 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred Senate Bill No. 2193 reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred Senate Bills numbered 1634, 2215, 2303 and 2323 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Klemm, Chairperson of the Committee on Executive to which was referred Senate Bills numbered 2017 and 2214 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred Senate Bills numbered 2188, 2261 and 2262 reported the same back with the recommendation that the bills do pass.

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Under the rules, the bills were ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred Senate Bills numbered 1686, 1701, 1951 and 2206 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred Senate Bills numbered 1685, 1688, 1689, 1690 and 2223 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred Senate Bills numbered 1606, 1668, 1810, 1876, 2140, 2209, 2211 and 2212 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred Senate Bills numbered 1542, 1608, 1650, 1666 and 1809 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bomke, Chairperson of the Committee on State Government Operations to which was referred Senate Bills numbered 1854 and 2192 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Bomke, Chairperson of the Committee on State Government Operations to which was referred Senate Bills numbered 2135 and 2191 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

#### INTRODUCTION OF BILLS

SENATE BILL NO. 2415. Introduced by Senator Geo-Karis, a bill for AN ACT in relation to sex offenders.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2416. Introduced by Senator Geo-Karis, a bill for AN ACT in relation to criminal law.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

#### READING CONSTITUTIONAL AMENDMENT A SECOND TIME

On motion of Senator Petka, Senate Joint Resolution Constitutional Amendment No. 18, having been printed, was taken up, read in full a second time and ordered to a third reading.

At the hour of 10:28 o'clock a.m., Senator Watson presiding.

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## READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Demuzio, Senate Bill No. 1527 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

## AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1527 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-16 as follows:

(235 ILCS 5/6-16) (from Ch. 43, par. 131)

Sec. 6-16. Prohibited sales and possession.

(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic liquor to a residential address without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgement of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection (a) by delivering alcoholic liquor without the acknowledgement of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than \$1,001 for a first offense, not more than \$5,000 for a second offense, and not more than \$10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except

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in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than \$500. Any person who violates the provisions of item (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to a fine of not less than \$500 for a first offense and not less than \$2,000 for a second or subsequent offense. Any person who knowingly violates the provisions of item (iii) of this paragraph of this subsection (a) is guilty of a Class 4 felony if a death occurs as the result of the violation.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

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However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than \$500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided

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for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and

(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(e) Except as otherwise provided in this Act, any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the alcoholic liquor (i) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor or (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.  
(Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02; 92-507, eff. 1-1-02; revised 1-7-02.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Bomke, Senate Bill No. 1658 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, Senate Bill No. 1704 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, Senate Bill No. 1705 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, Senate Bill No. 1732 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, Senate Bill No. 1733 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 1777 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on

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Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1777 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 21-28 as follows:

(105 ILCS 5/21-28 new)

Sec. 21-28. Special education teachers; categorical certification. The State Teacher Certification Board shall categorically certify a special education teacher in one or more of the following specialized categories of disability if the special education teacher applies and qualifies for such certification:

- (1) Serious emotional disturbance.
- (2) Learning disabilities.
- (3) Autism.
- (4) Mental retardation.
- (5) Orthopedic (physical) impairment.
- (6) Traumatic brain injury.
- (7) Other health impairment.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, Senate Bill No. 1926 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1926 as follows: on page 3, by replacing lines 4 through 13 with the following:

"(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Bowles, Senate Bill No. 1999 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 2072 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 2197 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2222 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Philip, Senate Bill No. 2253 having been printed, was taken up, read by title a second time and ordered to a third reading.

Senator Karpel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Bomke, Senator Myers was excused from attendance due to legislative business.

On motion of Senator Geo-Karis, Senator Weaver was excused from attendance due to illness.

#### PRESENTATION OF RESOLUTION

Senator Silverstein offered the following Senate Resolution, which was referred to the Committee on Rules:

##### SENATE RESOLUTION NO. 346

WHEREAS, The Israeli-Palestinian conflict has entered a new place of violence against Israeli civilians followed by retaliation against Palestinian Authority police and sacramental facilities, with no immediate prospect for peace; and

WHEREAS, A recent suicide bombing attack was carried out against the civilian residents of the community of Karnei Shomron on February 16, 2002; and

WHEREAS, Two teenagers were killed in the Karnei Shomron attack, one of whom was a 14-years old whose parents are U.S. citizens; and

WHEREAS, Hillel Trattner, a Chicagoan who was recently married, was gravely wounded in the attack, and his wife was also injured; and

WHEREAS, Steve Braun, a Chicagoan, was also wounded in the attack; and

WHEREAS, The United States of America is committed to the safety and security of its citizens everywhere; and

WHEREAS, The United States of America has made it a national priority to put an end to the scourge of such barbaric terror attacks; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY, that the members of the Illinois State Senate wish a speedy recovery to the above-mentioned citizens as well as the others wounded in the recent barbaric attack; and be it further

RESOLVED, That we express our collective outrage at the encouragement, support, and praise given to such terrorists and terror attacks; and be it further

RESOLVED, That we call upon Palestinian Authority Chairman, Yassar Arafat, to put an end to all such encouragement, support, and praise for these terror attacks, which emanate from areas under his direct jurisdiction; and be it further

RESOLVED, That the members of the Illinois State Senate support the policy of the United States government in resisting terrorism throughout the world, and in seeking peace for Israel and its neighboring nations seeking a permanent peace accord; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to

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the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

# RESOLUTIONS CONSENT CALENDAR

## SENATE RESOLUTION NO. 337

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dr. Irving C. Hudlin of Glen Carbon.

## SENATE RESOLUTION NO. 338

Offered by Senator Shadid and all Senators:  
Mourns the death of Donald F. Brajkovich of Pekin.

## SENATE RESOLUTION NO. 339

Offered by Senator Hawkinson and all Senators:  
Mourns the death of Judge William K. Richardson of Galesburg.

## SENATE RESOLUTION NO. 340

Offered by Senator Lauzen and all Senators:  
Mourns the death of Dorothy E. Mielke.

## SENATE RESOLUTION NO. 341

Offered by Senator Bomke and all Senators:  
Mourns the death of Reverend William L. Oaks of Petersburg.

## SENATE RESOLUTION NO. 343

Offered by Senator Dudycz and all Senators:  
Mourns the death of Dolores S. Recht of Chicago.

## SENATE RESOLUTION NO. 344

Offered by Senator Clayborne and all Senators:  
Mourns the death of Pastor Emeritus Richard C. Cosey, Sr., of East St. Louis.

## SENATE RESOLUTION NO. 345

Offered by Senator Clayborne and all Senators:  
Mourns the death of Lawrence Marion McDonald of East St. Louis.

Senator Watson moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

At the hour of 10:39 o'clock a.m., on motion of Senator W. Jones, and pursuant to Senate Joint Resolution No. 55, the Senate stood adjourned until Tuesday, March 5, 2002 at 1:00 o'clock p.m.